

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

HARVEY PATRICK SHORT,

Plaintiff,

v.

CIVIL ACTION NO. 5:10-cv-01078

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,  
and CHARLES CREWS,

Defendants.

**MEMORANDUM OPINION AND ORDER**

The Court has reviewed the Plaintiff's Complaint (Document 2) filed on September 7, 2010.

By *Standing Order* (Document 3) entered on September 7, 2010, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 13, 2013, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 9) wherein it is recommended that this Court dismiss the Plaintiff's Complaint without prejudice for failure to prosecute and remove this matter from the Court's


docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by December 2, 2013.<sup>1</sup>

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Complaint (Document 2) be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: December 6, 2013

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA

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<sup>1</sup> The docket reflects that the *Proposed Findings and Recommendation* mailed to the Plaintiff was returned as undeliverable on November 20, 2013.